



Attorney Docket No.: 71745/55913

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Butt *et al.*

EXAMINER: Marvich, M.

SERIAL NO. 09/856,336

GROUP: 1636

FILED: August 20, 2001

FOR: NUCLEIC ACID ISOLATION

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Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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By 
Sharon Bizokas

Sir:

**STATEMENT OF FACTS REGARDING INVENTOR'S REFUSAL TO SIGN
SUPPLEMENTAL DECLARATION**

In support of a Petition under 37 C.F.R. §1.47(a) filed herewith, the following facts demonstrate a refusal by Christopher Peter Jones (hereinafter, "Christopher Jones") to sign a Supplemental Declaration & Power of Attorney form in connection with the above-referenced application.

1. The known address of Christopher Jones is 84 Fowlmere Road, Heydon, Herts SG8 8PU, UNITED KINGDOM. This has been confirmed by viewing the 2004 Electoral Roll for South Cambridgeshire at the British Library, which confirms that Christopher P. Jones and Astrid Jones are registered at 84 Fowlmere Road. (The 2005 Electoral Roll is not yet available.) This information is also confirmed by the attached printout from the BT Directory Enquiries website (Exhibit 1).

2. Christopher Jones was previously employed by Cambridge Molecular Technologies Ltd., which was purchased by Whatman plc on October 1, 1999. The joint inventors (Neil James Butt and Christopher Peter Jones) and Cambridge Molecular Technologies Ltd. filed PCT Application PCT/GB99/03830 on November 17, 1999 (WO 00/29563, published 25 May 2000). On March 6, 2000, the name of Cambridge Molecular Technologies Ltd. was changed to Whatman Bioscience Ltd. On May 17, 2001, the present application was filed in the United States as a national phase of the PCT Application.

3. In the originally filed Declaration & Power of Attorney, which was mailed on August 20, 2001, with the Completion of Filing Requirements, the priority claim was incomplete. This originally filed Declaration & Power of Attorney was signed by both joint inventors, Neil James Butt and Christopher Peter Jones. A copy of this Declaration & Power of Attorney is attached (Exhibit 2).

4. An Assignment from inventors Neil James Butt and Christopher Peter Jones to Whatman Bioscience Limited was recorded on September 20, 2001, at Reel 012167, Frame 0132. A copy of the recorded Assignment is attached (Exhibit 3). Whatman Bioscience Ltd. is a wholly-owned subsidiary of Whatman plc and is the party having the entire right, title, and interest in the above-referenced application.

5. According to Whatman records, on February 19, 2002, an attempt was made to obtain from Christopher Jones a signature on a Declaration & Power of Attorney for an

unrelated U.S. application. On March 8, 2002, Christopher Jones sent a letter in reply in which he expressly stated his refusal to provide any additional signatures for any cases. He noted that he had already previously provided a Power of Attorney to Cambridge Molecular Technologies and its successors for any future applications requiring his signature and that he did not wish to be troubled with these matters in the future. (A further letter addressed to him, dated April 29, 2002, elicited no further response. Copies of these three letters, with redactions of material unrelated to the present issue, are attached (Exhibit 4).)

6. Christopher Jones has not responded to any communication from the time of his March 8, 2002, letter.

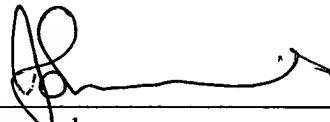
7. A Supplemental Declaration & Power of Attorney, which was requested by the U.S. Patent Office, was signed by inventor Neil James Butt.

8. On or about January 18, 2005, the Supplemental Declaration & Power of Attorney form, a copy of the PCT application, and a cover letter were sent by the undersigned to Christopher Jones at the above-mentioned address for signature, with a request to return the executed document for filing with the United States Patent & Trademark Office. Copies of the explanatory cover letter, the Supplemental Declaration & Power of Attorney, and the PCT application are attached (Exhibit 5). The explanatory cover letter clearly states that the U.S. Patent Office has required the filing of the Supplemental Declaration & Power of Attorney, which requires his signature. These items were sent Special Delivery by Registered Post via the Royal Mail. Copies of the Despatch Receipt and the Delivery Receipt are attached (Exhibit 6). The Delivery Receipt is signed by "P. Jones". It is noted that Christopher Jones sometimes employs his middle name "Peter" as evidenced in the letter from him dated March 8, 2002 (part of Exhibit 4).

9. Once again, no reply has been received as of this date.

10. In view of the foregoing, Christopher Jones clearly refuses to comply with the need for any additional signatures.

Respectfully submitted,



John Simmonds
Company Secretary
Whatman plc

Date: September 12, 2005

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